



April 12, 1996

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Office of the Secretary  
c/o Rosalee Chiara  
Federal Communications Commission  
Washington, DC 20554

RE: IB Docket No. 95-59  
DA 91-577  
45-DSS-MISC-93  
FCC 96-78

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Gentlemen:

Belle View Condominium Unit Owners Association welcomes the availability of satellite communications in our community. However, we are extremely concerned that the language of the proposed rules clearly poses many serious issues regarding the legal and financial obligation of the Associations to manage the properties for the good of all unit owners. In fact, Federal, State and local laws and ordinances mandate the role of the community governing body, specifically in the protection of the community's assets, legally and financially. Further, these same laws and ordinances provide that individual unit owners may reasonably sue the Board of Directors for breach of its fiduciary duty to all unit owners if the individual unit owner feels that his/her best interest is not being properly served.

The proposed language in effect voids the legality of restrictive covenants, rules and restrictions which have been promulgated to serve the best interests of the community. One major interest is the financial management of the community. Unregulated installation of telecommunications devices on common property, limited common property and even on individual property located within a common community will have a major financial impact as property damage occurs to roofs, balconies, exterior walls, landscaping, etc.

Since the funds to operate the Association come from all of the members of the Association, repair costs necessitated by telecommunication device installations will be paid for by owners

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who choose not to share in the receiving of the telecommunications. Such expenditures of common funds for the benefit of individual owners is strictly prohibited by the legally recorded governing documents of the associations.

A major legal responsibility of the Association to manage the community for the best interests of all owners is the enforcement of rules to insure an aesthetically pleasing environment in the community. Such an environment has a direct impact on property values. The unregulated installation of telecommunication devices will most certainly lead to a haphazard maze of these devices which will have an adverse visual impact on the community and resultant curb appeal.

We feel strongly that the rules language should permit an Association to retain its fiduciary responsibility to its members by allowing the Association to solicit bids from telecommunications providers, submit such bids to a majority vote of all homeowners, and allowing the provider receiving the majority vote to install and provide telecommunications services to all unit owners. Further, the individual unit owners should be required to sign agreements acknowledging unit owner responsibility for the expense of installing the equipment and liability for any damage to common areas or limited common elements due to the installation, usage and maintenance of telecommunications equipment.

The rules language should also permit an Association to establish guidelines that require the telecommunications device to blend in with the area in which it is installed, provided that the guidelines do not unreasonably restrict access to the telecommunications service.

We feel that equal access to telecommunications services can be achieved within common interest communities without abrogating the Associations' legal interest in the community. By permitting the Association to maintain reasonable controls, an individual cannot gain extensive property rights to property he/she does not own to the detriment of others who possess ownership rights in the same property.

Sincerely,



Leslie R. Violette  
President  
Board of Directors